HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition no. 1063(S/S) 2006

Heera Ballabh Kandpal S/o Late Sri L.D. Kandpal,
Serving as Radio Stateion Officer,
Police Telecommunication Centre,
Haldwani, Nainital. --Petitioner.

Versus

1. Deputy Inspector General of Police (Telecommunication),
   Police Head Quarters, Uttaranchal, Dehradun,
2. Additional State Radio Officer (Telecommunication),
   Police Head Quarters, Uttaranchal, Dehradun,
3. Radio Inspector, Nainital. ------ -Respondents.

Mr. Alok Mehra, learned counsel for petitioner,
Sri Paresh Tripathi, learned Standing Counsel for the State/respondents,

Hon'ble M.M. Ghildiyal, J.

Heard Mr. Alok Mehra, learned counsel for petitioner and Sri Paresh Tripathi, learned Standing Counsel for the State/ respondents,

The present writ petition has been filed by the petitioner for the following reliefs:-

A. To issue a writ, order or direction in the nature of certiorari for quashing the impugned order dated 08.06.2006 issued by respondent no. 2 and order dated 17.07.2006 (annexed as annexure no. 4) issued by respondent no. 3,

B. To issue any other writ, order or direction in the nature of mandamus commanding the respondent no. 2 to

pass a fresh transfer order after taking into consideration the options submitted by the petitioner,

C. To issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case,

D. Award the cost of the writ petition in favour of the petitioner.

The petitioner, who is working as Radio Station Officer at Haldwani with the respondents' establishment, is aggrieved with the transfer order dated 08.06.2006 passed by the respondent no. 2 which was communicated to the petitioner on 17.07.206. By the aforesaid order, the petitioner has been transferred from Haldwani to Pithoragarh.

The petitioner has challenged the impugned transfer order on two grounds. Firstly, the mother of the petitioner is aged about 85 years and nobody, except the petitioner, is there to look after her and secondly the petitioner is suffering with acute spinal and pelvic pain for the last one year.

It has been further submitted that options were also invited in pursuance of the transfer policy and the petitioner had opted Rudrapur and Haridwar as his option places for his transfer, inspite of transferring him to the opted places he has been transferred to Pithoragarh. The petitioner has also preferred a representation on 24.07.2006 before the respondent no 2, a copy of which is annexed as annexure no. 5 to the writ petition. It is submitted that the respondent no. 2 may be directed to decide the representation and till the representation is decided, the impugned transfer order may be stayed.

In the circumstances mentioned above, I think it just and proper to direct the respondent no. 2 to take decision on the representation of the petitioner dated 24.07.2006, (annexure no. 5 to the writ petition) sympathetically by speaking order within a period of three weeks from the date of production of a certified copy of this order considering the fact that the petitioner is suffering from spinal and pelvic pain for the last one year. And if the respondent comes to the conclusion, after going through the medical certificates, that the petitioner is suffering from spinal and pelvic pain he may stay the impugned transfer order.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 4, 2006:
NCM: